



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,339	01/23/2002	Takehiro Yoshida	03500.016119	5380

5514 7590 07/07/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BURLESON, MICHAEL L

ART UNIT PAPER NUMBER

2625

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,339

Applicant(s)

YOSHIDA, TAKEHIRO

Examiner

Michael Burleson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-19, 21-24 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 20, 25 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/17/2006 have been fully considered but they are not persuasive.
2. Applicant states that the reference of Yuji relates to a facsimile apparatus and system that notifies a transmitting facsimile apparatus as to whether it has a double side printing capability through a NSS signal and transmitting facsimile apparatus notifies the receiving facsimile apparatus in page information as to whether, for each page being transmitted is double-sided or one-sided (page 8) and that if fails to teach of a control means in case two-side image data of a set or sets and one-side image data of a set or sets to be transmitted to the same partner station are stored in the image memory, to cause said facsimile transmission means to collectively transmit the image data of plural sets in such a manner that collective transmission of only the set of two-side image data as stored in the image memory without disconnecting a call and collective transmission of only set of one-side image data as stored in the image memory without disconnecting a call are performed with separating respective calls from each other. Examiner disagrees with Applicant. Yuji teaches of transmitting a manuscript, in which page information about each document is inputted by the user, as a continuous transmission (page 2, paragraph 0011). He also teaches that once the manuscript reaches the receiving side, the one-sided data is sent to a printing control section (7) and double-sided data is sent to double-sided printing section (6) (page 3, paragraph 0017). Applicant states that the reference of Edamura fails to teach of the same limitations of

Art Unit: 2626

the reference of Yuji. Examiner disagrees with Applicant. Edamura is not relied upon to teach of control means in case two-side image data of a set or sets and one-side image data of a set or sets to be transmitted to the same partner station are stored in the image memory, to cause said facsimile transmission means to collectively transmit the image data of plural sets in such a manner that collective transmission of only the set of two-side image data as stored in the image memory without disconnecting a call and collective transmission of only set of one-side image data as stored in the image memory without disconnecting a call are performed with separating respective calls from each other.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted was on 01/20/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16-18,21-23 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuji et al. JP 11-027434.

5. Regarding claim 16, Yuji et al. teaches of an electronic apparatus capable of facsimile transmission, which enable a facsimile transmission means to collectively transmit image data of plural sets stored in an image memory to be transmitted to a same partner station, without disconnecting a call (page 2,paragraph 0007). Yuji et al. teaches of control means in case two-side image data of a set or sets and one-side image data of a set or sets to be transmitted to the same partner station are stored in the image memory, to cause said facsimile transmission means to collectively transmit the image data of plural sets in such a manner that collective transmission of only the set of two-side image data as stored in the image memory without disconnecting a call and collective transmission of only set of one-side image data as stored in the image memory without disconnecting a call are performed with separating respective calls from each other (page 2, paragraph 0011 and page 3,paragraph 0015-0017).

6. Regarding claim 17, Yuji et al. teaches of control means uses a facsimile communication procedure based on the ITUT Recommendation in the collective

transmission of the two-side image data of set(s) and the collective transmission of the one-side image data of set(s) (page 2, paragraph 0012).

7. Regarding claim 18, Yuji teaches where in the collective transmission of the two-side image data of set(s), if the last reverse side to be transmitted does not contain image data, said control means causes said facsimile transmission means to transmit all blank information as the image data of the last reverse side (page 10, paragraph 0084).

8. Regarding claim 21, the structural elements of apparatus claim 16 performs all of the steps of method claim 21. Thus, claim 21 is rejected for the same reasons discussed in the rejection of claim 16.

9. Regarding claim 22, the structural elements of apparatus claim 17 performs all of the steps of method claim 22. Thus, claim 22 is rejected for the same reasons discussed in the rejection of claim 17.

10. Regarding claim 23, the structural elements of apparatus claim 18 performs all of the steps of method claim 23. Thus, claim 23 is rejected for the same reasons discussed in the rejection of claim 18.

11. Regarding claim 26, Yuji et al. teaches of a storage medium (Ram 8) storing a computer program for implementation of a control method for an electronic apparatus capable of facsimile transmission, which enables a facsimile transmission step of collectively transmitting image data of plural sets stored in an image memory to be transmitted to a same partner station, without disconnecting a call (page 2, paragraph 0011 and page 3, paragraph 0015-0017). Yuji et al. teaches of control means in case

two-side image data of a set or sets and one-side image data of a set or sets to be transmitted to the same partner station are stored in the image memory, to cause said facsimile transmission means to collectively transmit the image data of plural sets in such a manner that collective transmission of only the set of two-side image data as stored in the image memory without disconnecting a call and collective transmission of only set of one-side image data as stored in the image memory without disconnecting a call are performed with separating respective calls from each other (page 2, paragraph 0011 and page 3, paragraph 0015-0017).

12. Regarding claim 27, Yuji et al. teaches of control step uses a facsimile communication procedure based on the ITUT Recommendation in the collective transmission of the two-side image data of set(s) and the collective transmission of the one-side image data of set(s) (page 2, paragraph 0012).

13. Regarding claim 28, Yuji teaches where in the collective transmission of the two-side image data of set(s), if the last reverse side to be transmitted does not contain image data, said control means causes said facsimile transmission means to transmit all blank information as the image data of the last reverse side (page 10, paragraph 0084).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 19,24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuji et al. JP 11-027434 in view of Edamura US 5408340.

16. Regarding claim 19, Yuji et al. teaches all of the limitations of claim 16.

17. Yuji et al. fails to teach if it is identified that the partner station does not perform two-side reception, said control means causes said facsimile transmission means to collectively transmit the two-side image data of set(s) using one-side procedure.

18. Edamura teaches if it is identified that the partner station does not perform two-side reception, said control means causes said facsimile transmission means to collectively transmit the two-side image data of set(s) using one-side procedure (column 4,lines 3-20).

19. Regarding claim 24, the structural elements of apparatus claim 19 performs all of the steps of method claim 24. Thus, claim 24 is rejected for the same reasons discussed in the rejection of claim 19.

20. Regarding claim 29, Yuji et al. teaches all of the limitations of claim 26.

21. Yuji et al. fails to teach if it is identified that the partner station does not perform two-side reception, said control means causes said facsimile transmission means to collectively transmit the two-side image data of set(s) using one-side procedure.

22. Edamura teaches if it is identified that the partner station does not perform two-side reception, said control means causes said facsimile transmission means to collectively transmit the two-side image data of set(s) using one-side procedure (column 4,lines 3-20).

Allowable Subject Matter

23. Claims 20,25 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

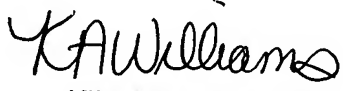
Art Unit: 2626

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

Michael Burleson
Patent Examiner
Art Unit 2626

MB

Mlb
June 23, 2006


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER